

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as product and process of use under M.P.E.P. § 806.05(h) and that in the instant case the product of Group I can be used for patterning and for filtration, as well as for labeling.

However, the Examiner does not set forth any reasons to support the proposition that the product of Group I can be used in patterning and/or infiltration instead of the method of the claims of Group II, which are directed to a method for measuring a physiologically active substance in a sample. Accordingly, it is submitted that the requirements of M.P.E.P. § 806.05(h) have not been met and it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Finally, Applicants traverse the Restriction Requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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